

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

16 Civ. 5412 (AT)

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

JURY NOTE

Defendants.

PLEASE PRINT LEGIBLY.

We the jury: on the last line of page 22 of the jury charge, does it mean "absence of probable cause" for all charges or for any ~~charges~~ one of the charges?

Foreperson's Signature

Dated: JUNE 22, 2018

1:50 p.m.

Ct Ex 2 AT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

16 Civ. 5412 (AT)

JURY NOTE

Defendants.

PLEASE PRINT LEGIBLY.

We the jury: please disregard our prior question. We've
found the answer on subsequent pages.


Foreperson's Signature

Dated: 22 JUNE, 2018

1:55 p.m.
Ct Ex 3 AT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

Defendants.

16 Civ. 5412 (AT)

JURY NOTE

PLEASE PRINT LEGIBLY.

We the jury: WE HAVE REACHED A VERDICT.

Foreperson's Signature

Dated: 22 JUNE, 2018

Ct. Ex 4 3:35 p.m AT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,
-against-

16 Civ. 5412 (AT)

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

Defendants.

VERDICT

All jurors must agree on the answers to all of the questions.
Jurors must answer the questions in the order they are presented.

I. LIABILITY

Excessive Force

1a. Did Mr. Ekukpe prove by a preponderance of the evidence that he was subjected to excessive force by Officer Santiago on July 18, 2014?

YES _____ NO

1b. Did Mr. Ekukpe prove by a preponderance of the evidence that he was subjected to excessive force by Sergeant Ferrara on July 18, 2014?

YES NO _____

False Arrest

2a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago falsely arrested him on July 18, 2014?

YES NO _____

2b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara falsely arrested him on July 18, 2014?

YES NO _____

Malicious Prosecution (Section 1983)

3a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago maliciously prosecuted him in violation of Section 1983?

YES ✓ NO _____

3b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara maliciously prosecuted him in violation of Section 1983?

YES ✓ NO _____

Denial of a Fair Trial

4a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago denied his right to a fair trial?

YES ✓ NO _____

4b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara denied his right to a fair trial?

YES ✓ NO _____

First Amendment

5a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago retaliated against him for exercising his First Amendment rights?

YES _____ NO ✓

5b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara retaliated against him for exercising his First Amendment rights?

YES _____ NO ✓

Failure to Intervene

6a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago failed to intervene to prevent or stop the unconstitutional conduct of fellow officers?

YES ✓ NO _____

6b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara failed to intervene to prevent or stop the unconstitutional conduct of fellow officers?

YES ✓ NO _____

Malicious Prosecution (New York State Law)

7a. Did Mr. Ekukpe prove by a preponderance of the evidence that Officer Santiago maliciously prosecuted him in violation of New York state law?

YES ✓ NO _____

7b. Did Mr. Ekukpe prove by a preponderance of the evidence that Sergeant Ferrara maliciously prosecuted him in violation of New York state law?

YES ✓ NO _____

If you answered "No" to all questions above, your verdict is complete. Proceed to the final page and sign the form.

If you answered "Yes" to any question above, proceed to the damages section.

II. DAMAGES

Excessive Force

Answer Question 8a only if you answered "Yes" to Question 1a.

8a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his excessive force claim against Officer Santiago?

YES _____ NO EDC.

- i. If you answered "Yes" to Question 8a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury. _____
- ii. If you answered "No" to Question 8a, what amount of nominal damages do you award (not exceeding one dollar)? _____

Answer Question 8b only if you answered "Yes" to Question 1b.

8b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his excessive force claim against Sergeant Ferrara?

YES _____ NO

- i. If you answered "Yes" to Question 8b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury. _____
- ii. If you answered "No" to Question 8b, what amount of nominal damages do you award (not exceeding one dollar)? \$1.00

False Arrest

Answer Question 9a only if you answered "Yes" to Question 2a.

9a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his false arrest claim against Officer Santiago?

YES ✓ NO _____

- i. If you answered "Yes" to Question 9a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury. \$ 10,000.00
- ii. If you answered "No" to Question 9a, what amount of nominal damages do you award (not exceeding one dollar)? _____

Answer Question 9b only if you answered "Yes" to Question 2b.

9b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his false arrest claim against Sergeant Ferrara?

YES ✓ NO _____

- i. If you answered "Yes" to Question 9b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury. \$ 10,000.00
- ii. If you answered "No" to Question 9b, what amount of nominal damages do you award (not exceeding one dollar)? _____

Malicious Prosecution (Section 1983)

Answer Question 10a only if you answered "Yes" to Question 3a.

10a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his malicious prosecution claim under Section 1983 against Officer Santiago?

YES NO _____

- i. If you answered "Yes" to Question 10a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.
\$ 37,500.00 *edc*
- ii. If you answered "No" to Question 10a, what amount of nominal damages do you award (not exceeding one dollar)? _____

Answer Question 10b only if you answered "Yes" to Question 3b.

10b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his malicious prosecution claim under Section 1983 against Sergeant Ferrara?

YES NO _____

- i. If you answered "Yes" to Question 10b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.
\$37,500.00
- ii. If you answered "No" to Question 10b, what amount of nominal damages do you award (not exceeding one dollar)? _____

Denial of a Fair Trial

Answer Question 11a only if you answered "Yes" to Question 4a.

11a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his denial of a fair trial claim against Officer Santiago?

YES NO _____

- i. If you answered "Yes" to Question 11a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

\$37,500.00

- ii. If you answered "No" to Question 11a, what amount of nominal damages do you award (not exceeding one dollar)? _____

Answer Question 11b only if you answered "Yes" to Question 4b.

11b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his denial of a fair trial claim against Sergeant Ferrara?

YES NO _____

- i. If you answered "Yes" to Question 11b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

\$37,500.00

- ii. If you answered "No" to Question 11b, what amount of nominal damages do you award (not exceeding one dollar)? _____

First Amendment

Answer Question 12a only if you answered "Yes" to Question 5a.

12a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his First Amendment retaliation claim against Officer Santiago?

YES _____ NO *EDC.*

- i. If you answered "Yes" to Question 12a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 12a, what amount of nominal damages do you award (not exceeding one dollar)? _____

Answer Question 12b only if you answered "Yes" to Question 5b.

12b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his First Amendment retaliation claim against Sergeant Ferrara?

YES _____ NO *CDC.*

- i. If you answered "Yes" to Question 12b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 12b, what amount of nominal damages do you award (not exceeding one dollar)? _____

Failure to Intervene

Answer Question 13a only if you answered "Yes" to Question 6a.

13a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his failure to intervene claim against Officer Santiago?

YES _____ NO

- i. If you answered "Yes" to Question 13a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 13a, what amount of nominal damages do you award (not exceeding one dollar)? \$1,00

Answer Question 13b only if you answered "Yes" to Question 6b.

13b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his failure to intervene claim against Sergeant Ferrara?

YES _____ NO

- i. If you answered "Yes" to Question 13b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 13b, what amount of nominal damages do you award (not exceeding one dollar)? \$1,00

Malicious Prosecution (New York State Law)

Answer Question 14a only if you answered "Yes" to Question 7a.

14a. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his malicious prosecution claim under New York state law against Officer Santiago?

YES _____ NO

- i. If you answered "Yes" to Question 14a, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 14a, what amount of nominal damages do you award (not exceeding one dollar)? \$1,00

Answer Question 14b only if you answered "Yes" to Question 7b.

14b. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to compensatory damages for his malicious prosecution claim under New York state law against Sergeant Ferrara?

YES _____ NO

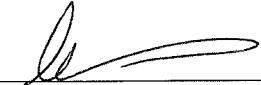
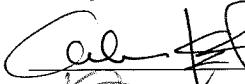
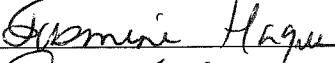
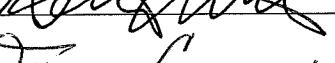
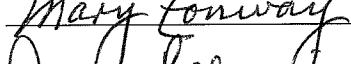
- i. If you answered "Yes" to Question 14b, state the amount of compensatory damages that would fairly and adequately compensate Mr. Ekukpe for his injury.

- ii. If you answered "No" to Question 14b, what amount of nominal damages do you award (not exceeding one dollar)? \$1,00

SIGNATURES

Sign and print your names in the space provided below, fill in the date and time, and inform the Court Security Officer — with a note, not the Verdict Form itself — that you have reached a verdict.

After completing the form, each juror who agrees with this verdict must sign and print their name below:

- | | | |
|----|---|-------------------|
| 1. |  | CLEONA D. CUELAPU |
| 2. |  | ARLEEN L. KROFF |
| 3. |  | Albert Luciano |
| 4. |  | JASMINE HAGUE |
| 5. |  | Geoffrey Kidde |
| 6. |  | Grace Jackson |
| 7. |  | KEVIN ATTESON |
| 8. |  | Mary Conway |
| 9. |  | Janna Rosario |

Date and Time: 6/27/18 3rd PM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

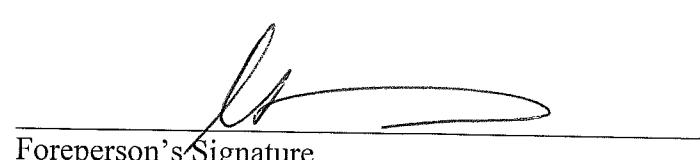
16 Civ. 5412 (AT)

JURY NOTE

Defendants.

PLEASE PRINT LEGIBLY.

We the jury: WE HAVE REACHED A VERDICT.



Foreperson's Signature

Dated: 22-06-2018

At Ex. 6 At 6:16 pm
AT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,
-against-

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

Defendants.

16 Civ. 5412 (AT)

**PUNITIVE
DAMAGES
VERDICT**

All jurors must agree on the answers to all of the questions.
Jurors must answer the questions in the order they are presented.

Officer Santiago

1. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his false arrest claim against Officer Santiago?

YES NO ✓

a. If you answered "Yes" to Question 1, state the amount of punitive damages that you award Mr. Ekukpe.

2. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his malicious prosecution claim under Section 1983 against Officer Santiago?

YES ✓ NO

a. If you answered "Yes" to Question 2, state the amount of punitive damages that you award Mr. Ekukpe. \$2,000.00

3. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his denial of a fair trial claim against Officer Santiago?

YES ✓ NO

a. If you answered "Yes" to Question 3, state the amount of punitive damages that you award Mr. Ekukpe. \$2,500.00

4. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his failure to intervene claim against Officer Santiago?

YES _____ NO

- a. If you answered "Yes" to Question 4, state the amount of punitive damages that you award Mr. Ekukpe. _____

5. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his malicious prosecution claim under state law against Officer Santiago?

YES NO _____

- a. If you answered "Yes" to Question 5, state the amount of punitive damages that you award Mr. Ekukpe. \$ 500. 00

Sergeant Ferrara

6. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his excessive force claim against Sergeant Ferrara?

YES NO _____

- a. If you answered "Yes" to Question 6, state the amount of punitive damages that you award Mr. Ekukpe. \$500.00

7. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his false arrest claim against Sergeant Ferrara?

YES _____ NO

- a. If you answered "Yes" to Question 7, state the amount of punitive damages that you award Mr. Ekukpe. _____

8. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his malicious prosecution claim under Section 1983 against Sergeant Ferrara?

YES NO _____

- a. If you answered "Yes" to Question 8, state the amount of punitive damages that you award Mr. Ekukpe. \$2,000.00

9. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his denial of a fair trial claim against Sergeant Ferrara?

YES NO _____

- a. If you answered "Yes" to Question 9, state the amount of punitive damages that you award Mr. Ekukpe. \$2,500.00

10. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his failure to intervene claim against Sergeant Ferrara?

YES _____ NO

- a. If you answered "Yes" to Question 10, state the amount of punitive damages that you award Mr. Ekukpe. _____

11. Did Mr. Ekukpe prove by a preponderance of the evidence that he is entitled to punitive damages for his malicious prosecution claim under state law against Sergeant Ferrara?

YES _____ NO

- a. If you answered "Yes" to Question 11, state the amount of punitive damages that you award Mr. Ekukpe. _____

SIGNATURES

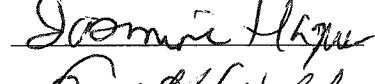
Sign and print your names in the space provided below, fill in the date and time, and inform the Court Security Officer — with a note, not the Verdict Form itself — that you have reached a verdict.

After completing the form, each juror who agrees with this verdict must sign and print their name below:

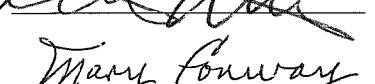
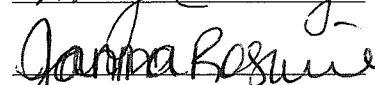
1. ELENA CUCARDO

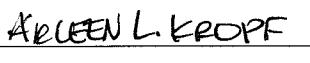
2. Cecilia

3. Alberto

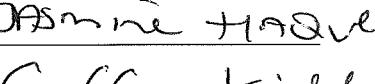
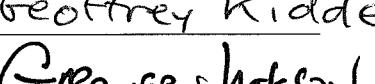
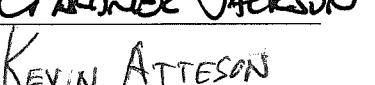
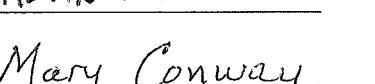
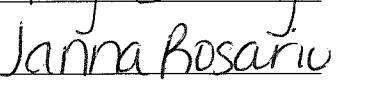
4. Jasmine Haque

5. Geoffrey Kidde

6. Kevin Atteson

7. Mary Conway

8. Janna Rosario


1. ELENA CUCARDO

2. ALICEEN L. KROPP

3. Albert Luciano

4. Jasmine Haque

5. Geoffrey Kidde

6. Gloriae Jackson

7. KEVIN ATTESON

8. Mary Conway

9. Janna Rosario


Date and Time: 6/22/2018 6:15 PM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

16 Civ. 5412 (AT)

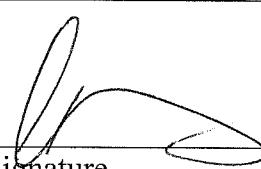
NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

JURY NOTE

Defendants.

PLEASE PRINT LEGIBLY.

We the jury: we would like to know whether we should be
answering these questions based on the standard
"preponderance of evidence" or just what we think?



Foreperson's Signature

Dated: 6/27/18

Cf. Ex. 8 AT 7:10 pm

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DAVID EKUKPE,

Plaintiff,

-against-

NYPD OFFICER JUAN SANTIAGO and NYPD SGT.
JOHN FERRARA,

16 Civ. 5412 (AT)

JURY NOTE

Defendants.

PLEASE PRINT LEGIBLY.

We the jury: we have answers to the special interrogatories

Foreperson's Signature

Dated: 06-20-2018

G Ex 9 7:26 pm AT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DAVID EKUKPE,

Plaintiff,

**SPECIAL
INTERROGATORIES**

-against-

No. 16 Civ. 5412 (AT)

NYPD OFFICER JUAN SANTIAGO and NYPD
SGT. JOHN FERRARA,

Defendants.

X

Defendant Santiago

1. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe pushed Defendant Santiago during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No

2. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe was kicking at police officers during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No

3. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe was throwing punches at police officers during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No

4. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe was flailing his arms during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

5. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe was twisting his body during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

6. Was it reasonable for Defendant Santiago to believe, even if mistakenly, that Plaintiff Ekukpe was refusing to be handcuffed during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

Defendant Ferrara

7. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe pushed Defendant Santiago during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

8. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe was kicking at police officers during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

9. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe was throwing punches at police officers during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

10. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe was flailing his arms during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

11. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe was twisting his body during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

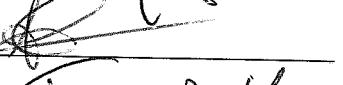
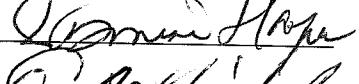
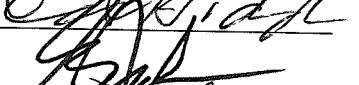
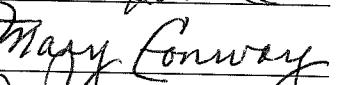
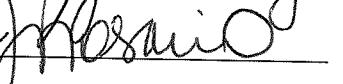
12. Was it reasonable for Defendant Ferrara to believe, even if mistakenly, that Plaintiff Ekukpe was refusing to be handcuffed during his encounter with police officers in front of 3101 3rd Avenue, Bronx, New York on July 18, 2014?

Yes _____ No ✓

SIGNATURES

Sign and print your names in the space provided below, fill in the date and time, and inform the Court Security Officer — with a note, not the Verdict Form itself — that you have reached a verdict.

After completing the form, each juror who agrees with this verdict must sign and print their name below:

- | | | |
|----|---|-------------------------|
| 1. |  | <u>ELENA CUCULARU</u> |
| 2. |  | <u>ARLEEN L. KROPP</u> |
| 3. |  | <u>Albert Luciano</u> |
| 4. |  | <u>Jasmine Leake</u> |
| 5. |  | <u>Geoffrey Kidde</u> |
| 6. |  | <u>Geronice Jackson</u> |
| 7. |  | <u>KEVIN ATTESON</u> |
| 8. |  | <u>Mary Conway</u> |
| 9. |  | <u>Jannina Rosario</u> |

Date and Time:

6-22-2018
7:28 PM

CT Ex 90 7:29 pm AT